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ATTORNEY FOR APPELLANT:

ANNA E. ONAITIS
Indianapolis, Indiana

ATTORNEYS FOR APPELLEE:

STEVE CARTER
Attorney General of Indiana

MELLISICA K. FLIPPEN
Deputy Attorney General
Indianapolis, Indiana

**IN THE
COURT OF APPEALS OF INDIANA**

CALVIN CARTLIDGE,)	
)	
Appellant-Defendant,)	
)	
vs.)	No. 49A02-0701-CR-58
)	
STATE OF INDIANA,)	
)	
Appellee-Plaintiff.)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Amy Barbar, Magistrate
Cause No. 49G02-0606-FC-103486

September 24, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

SHARPNACK, Judge

Calvin Cartlidge appeals his conviction for forgery as a class C felony.¹ Cartlidge raises one issue, which we restate as whether the evidence is sufficient to sustain his conviction. We affirm.

The facts most favorable to the conviction follow. On June 3, 2006, Cartlidge and Brooke Hooten were working at Home Depot in Indianapolis. Hooten left her purse at the front desk on coat hangers provided for employees. She went to lunch at 11:00 a.m. and used her debit card. Upon returning to work, she hung her purse in the same location at the front desk. That afternoon, Hooten realized that her wallet was missing from her purse. Cartlidge offered to assist her in locating the wallet, and he claimed to have located the wallet in the janitor's closet of the store. Hooten found that her debit card was missing from her wallet.

At 11:57 a.m. that same day, Cartlidge went to Omega Motor Sports, which is located across the parking lot from Home Depot, and ordered wheel rims. Cartlidge paid a \$400.00 deposit toward the purchase with a credit card bearing the name of Brooke Hooten. However, Cartlidge instructed the manager to put the layaway account in his name. A couple of hours later, Cartlidge returned to Omega Motor Sports to cancel the order and was informed that he could be given a store credit. Cartlidge later returned to the store to purchase an alarm system with the store credit. The store manager identified Cartlidge as the man that used Hooten's credit card. **(Transcript at 44)**

¹ Ind. Code § 35-43-5-2(b) (Supp. 2005) (subsequently amended by Pub. L. No. 106-2006, § 3 (eff. July 1, 2006)).

The State charged Cartlidge with forgery as a class C felony. At the bench trial, the store manager again identified Cartlidge as the man that used Hooten's credit card. The trial court found Cartlidge guilty as charged and sentenced him to two years suspended and one year of probation.

The issue is whether the evidence is sufficient to sustain Cartlidge's conviction for forgery as a class C felony. When reviewing claims of insufficiency of the evidence, we do not reweigh the evidence or judge the credibility of witnesses. Jordan v. State, 656 N.E.2d 816, 817 (Ind. 1995), reh'g denied. Rather, we look to the evidence and the reasonable inferences therefrom that support the verdict. Id. We will affirm the conviction if there exists evidence of probative value from which a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt. Id.

The offense of forgery is governed by Ind. Code § 35-43-5-2(b), which provides:

A person who, with intent to defraud, makes, utters, or possesses a written instrument in such a manner that it purports to have been made: (1) by another person; (2) at another time; (3) with different provisions; or (4) by authority of one who did not give authority; commits forgery, a Class C felony.

Cartlidge argues that the evidence is insufficient to prove that he was the person that used Hooten's credit card at Omega Motor Sports. According to Cartlidge, his work time sheet shows that he was working at Home Depot at the time of the credit card transaction, his driver's license had recently been stolen, the store manager's recollection of the customer could have been tainted by the fact that Cartlidge shopped at Omega Motor Sports on the same day, and neither of two forensic handwriting analysts testified

that Cartlidge signed the receipt.² Cartlidge's argument is simply a request that we reweigh the evidence and judge the credibility of the witnesses, which we cannot do. See Jordan, 656 N.E.2d at 817. Based upon the evidence discussed in the facts above, we conclude that the State presented evidence of probative value from which a reasonable trier of fact could have found Cartlidge guilty beyond a reasonable doubt of forgery as a class C felony. See, e.g., McHenry v. State, 820 N.E.2d 124, 126-127 (Ind. 2005) (holding that the evidence was sufficient to sustain the defendant's conviction for forgery and theft).

For the foregoing reasons, we affirm Cartlidge's conviction for forgery as a class C felony.

Affirmed.

MAY, J. and BAILEY, J. concur

² In fact, Cartlidge's forensic handwriting analyst testified that, in his opinion, Cartlidge did not sign Hooten's name on the Omega Motor Sports receipt. **(Transcript at 96-97)** However, Cartlidge's expert admitted that the writing exemplar provided to him "could have been on more ideal forms." Transcript at 105. The State's forensic handwriting analyst testified that she "could neither associate or eliminate Calvin Cartlidge as the writer of" Hooten's signature because the writing exemplar was insufficient. Id. at 123.